

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ED RUSSELL doing business as)	
Alley Roads Music BMI,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:14-cv-01555
)	Judge Trauger
JAMES A RICHARDSON, JR., ET AL.,)	Magistrate Judge Brown
)	
Defendants)	

ORDER

On August 17, 2015, the magistrate judge issued a Report and Recommendation (DE #104), to which the pro se plaintiff has filed timely objections (Docket No. 108). The magistrate judge recommends that this entire action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I).

When a magistrate judge issues a report and recommendation regarding a dispositive pretrial matter, the district court must review *de novo* any portion of the report and recommendation to which a specific objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)©; *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993). Objections must be specific; an objection to the report in general is not sufficient and will result in waiver of further review. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

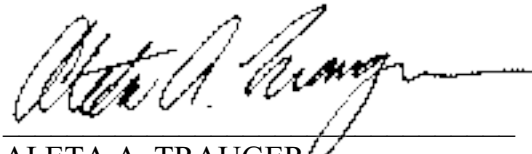
The magistrate judge interpreted a filing by the plaintiff as indicative of the fact that Mr. Russell d/ b/a Alley Roads Music BMI had no legal interest in this action. (Docket No. 104 at 4). To the contrary, as initially found by this judge, the alleged songwriter, Johnny Spears,

transferred his rights to the song at issue to plaintiff Russell and his company in 2004 (Docket No. 4 at 2), and it is that interest that plaintiff Russell is seeking to pursue in this action. This court does not find it appropriate to dismiss this case at this point on the basis that Mr. Russell is continuing to assert the interests of Mr. Spears in contravention of court orders. In fact, he is attempting, at this point, to assert his own interests.

For the reasons expressed herein, the Report and Recommendation is REJECTED, and this case is returned to the magistrate judge for further handling under the original referral order.

It is so **ORDERED**.

ENTER this 29th day of December 2015.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge